



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
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## Memorandum

To: Regional Directors, Regions 1, 2, 3, 4, 5, 6, and 7  
Manager, California/Nevada Operations Office

From: Acting Director *Paul H. Jones*

Subject: Administration Petition Findings under Section 4 of the Endangered Species Act

This memorandum outlines the procedure for developing administrative petition findings and updates the procedures currently found in the endangered species Petition Management Guidance for the Fish and Wildlife Service. Under Section 4 of the Endangered Species Act, the Service must make a finding as to whether a petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted. This finding must be made within 90 days of receipt of the petition to the maximum extent practicable. If the Service finds that the petition presents substantial information, a status review of the species is initiated. Based on this review, a second finding, referred to as a 12-month finding, indicates whether the petitioned action is warranted.

The Petition Management Guidance (July 1996) defines administrative petition findings as "a document that clearly details and explains the essential facts and the basis for the responsible Service's conclusion about the appropriateness of a petitioned action." The Regional Director of the lead region is responsible for the preparation and approval of a draft administrative 90-day finding for the Service and, if the Service makes a substantial 90-day finding, for the 12-month finding. Our practice has been to develop two separate documents, an administrative petition finding document and a notice to announce the petition finding in the *Federal Register*. These two documents have been submitted simultaneously by the lead Region to the Washington Office. The only exception to this is in cases where a warranted 12-month finding is incorporated into a proposed rule. Because the proposed rule should contain the detailed information upon which the 12-month finding is based, a separate administrative finding has not been necessary.

When the Petition Management Guidance was initially developed, there was a clear distinction between the administrative petition finding document and the petition finding notice. For example, for a 12-month administrative finding document, the bulk

of the information on which the finding was made was contained in the administrative petition finding document. The *Federal Register* notice simply announced, and briefly summarized, the administrative finding. However, over the years, these two documents have become very similar, in some cases identical, in the information they contain. The similarity between the two documents has evolved due to the need to publish, or make more widely available to the public in the *Federal Register* notice, the information on which our findings are made.

Because the administrative petition finding document and the petition finding notice are so similar, we are modifying the current guidance through this memorandum. The Federal Register notice will now be the petition finding for both 90-day and 12-month findings. The notice should be a concise document, limited to essential facts and the basis for the conclusion. If necessary, it can refer to the administrative record for further details.

If you have any questions regarding this issue, please contact Patrick Leonard, Chief, Division of Consultation, Habitat Conservation Planning, Recovery, and State Grants or Chris Nolin, Chief, Division of Conservation and Classification at (703) 358-2171.